

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BENNY HODGE a/k/a BENNY HUNNA,

Plaintiff,

v.

TERMINIX GLOBAL HOLDINGS, INC., et
al.,

Defendants.

Case No. 3:21-cv-00690

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair E. Newbern

ORDER

Pro se Plaintiff Benny Hodge has moved for a second extension of time to effect service of process on the defendants named in this action. (Doc. No. 24.) On January 24, 2022, the Court exercised its discretion under Federal Rule of Civil Procedure 4(m) to extend the deadline for service of process until February 23, 2022. (Doc. No. 12.) Since then, Hodge has returned executed summonses for three of the seven defendants—Defendants Tia Best, Robert Newland, and Vann Darden (Doc. Nos. 13, 14, 16)—and those defendants have appeared and responded to Hodge’s complaint (Doc. Nos. 17, 25–30). Hodge returned unexecuted summonses for Defendants Terminix Global Holdings, Inc., Oscar Avila, and Dan Zaccagnino (Doc. Nos. 15, 31, 32) and has not returned a summons for Defendant Jason Black.

Hodge states that he is “working in conjunction with law officials in Rutherford [C]ounty (TN) and Shelby [C]ounty (TN) to serve the remaining defendants[,]” that he has attempted service on Defendants Terminix and Zaccagnino, and that Black may be evading service. (Doc. No. 24, PageID# 68.) Hodge attached what appears to be a receipt from the Shelby County Sheriff’s Office for service fees on Terminix and Zaccagnino. (Doc. No. 24.) The service returns for Terminix and

Zaccagnino, which were mailed to the Court from the Shelby County Sheriff's Office, state that, "due to COVID restrictions[,] [a]ll [service] documents should be mailed to 150 Peabody Pl[,] Memphis[,] TN[,] Attn Human Resources[.]" (Doc. No. 32, PageID# 116; *see also* Doc. No. 31, PageID# 113.)

In light of Hodge's continuing attempts to serve the remaining defendants, the Court will again exercise its discretion and EXTEND the deadline for service of process until April 11, 2022. If Hodge has not completed service on all defendants, he shall file a notice of the status of service by that date. Hodge is warned that failure to serve all of the defendants in compliance with Rule 4 by the extended deadline will likely result in a recommendation that his claims against any unserved defendants be dismissed.

It is so ORDERED.


ALISTAIR E. NEWBERN
United States Magistrate Judge